

contained a large quantity of worm-eaten pieces, and were not sufficiently trimmed. It was thus apparent that they were misbranded within the meaning of section 8 of the Food and Drugs Act, and in compliance with section 4 of the act, the Secretary of Agriculture accorded hearings to said Liston and the said Henley & Co. At the hearing, Henley & Co. established the aforesaid guaranty from The Bruns Brothers Grocery Company. No evidence was adduced to show any fault or error in the examination by the Department, and, on November 20, 1908, the Secretary of Agriculture reported the facts to the Attorney-General, who referred them to the United States attorney for the southern district of Ohio. Information was duly filed by the said United States attorney, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 29, 1909.*

(N. J. 88.)

ADULTERATION OF MILK.

(ADDED WATER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgments of the court in the following cases:

United States *v.* Howard Griffith,
United States *v.* Patrick B. Holt,
United States *v.* Philip Hettenkemer,
United States *v.* George A. Wise,
United States *v.* John Allen,
United States *v.* Frank E. Altemus,
United States *v.* Albert Schapiro,
United States *v.* William W. Whitehead,
United States *v.* William A. Sanger,
United States *v.* Soul Berman,
United States *v.* Charles E. Vernon,
United States *v.* Charles Harbin,
United States *v.* Frank Mace,
United States *v.* Julia Poore,

United States *v.* Grover F. Jarboe,
United States *v.* Blanche D. Siddall,

lately pending in the police court of the District of Columbia, for violation of section 2 of the aforesaid act in the offer for sale and the sale in the District of Columbia of milk which was adulterated within the meaning of section 7 of the act.

On November 24, 1908, the aforesaid defendant, Howard Griffith, having been arraigned on an information charging him with the sale and offer for sale of milk adulterated with water, entered a plea of guilty, and the court sentenced him to pay a fine of \$25, and in default of payment to be committed to jail for sixty days.

On November 28, 1908, the aforesaid defendant, Patrick B. Holt, having been arraigned on an information charging him with the sale and offer for sale of milk adulterated with water, and having entered a plea of not guilty, and the trial of the issue having resulted in a judgment of guilty, the court sentenced him to pay a fine of \$10, and in default of payment to be committed to jail for thirty days.

On November 28, 1908, the aforesaid defendant, Philip Hettenkemer, theretofore having been let to bail on his deposit of \$10 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 1, 1908, the aforesaid defendant, George A. Wise, having been arraigned on an information charging him with the sale and offer for sale of milk adulterated with water, entered a plea of guilty, and the court sentenced him to pay a fine of \$20, and in default of payment to be committed to jail for sixty days.

On December 2, 1908, the aforesaid defendant, John Allen, having been arraigned on an information charging him with the sale and offer for sale of milk adulterated with water, entered a plea of guilty, and the court sentenced him to pay a fine of \$10, and in default to be committed to jail for thirty days. Sentence was suspended on account of ill health of defendant.

On December 3, 1908, the aforesaid defendant, Frank E. Altemus, theretofore having been let to bail on his deposit of \$20 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 8, 1908, the aforesaid defendant, Albert Schapiro, having been arraigned on an information charging him with the sale and offer for sale of milk adulterated with water, and having entered

a plea of not guilty, and the trial of the issue having resulted in a judgment of guilty, the court sentenced him to pay a fine of \$20.

On December 29, 1908, the aforesaid defendant, William W. Whitehead, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 29, 1908, the aforesaid defendant, William A. Sanger, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 29, 1908, the aforesaid defendant, Soul Berman, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 29, 1908, the aforesaid defendant, Charles E. Vernon, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 29, 1908, the aforesaid defendant, Charles Harbin, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 29, 1908, the aforesaid defendant, Frank Mace, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On December 30, 1908, the aforesaid defendant, Julia Poore, having been arraigned on an information charging her with the sale and offer

for sale of milk adulterated with water, entered a plea of guilty, and the court sentenced her to pay a fine of \$25.

On January 2, 1909, the aforesaid defendant, Grover F. Jarboe, theretofore having been let to bail on his deposit of \$5 collateral security for his appearance to answer an information charging him with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged him in default and ordered the aforesaid collateral security forfeited.

On January 6, 1909, the aforesaid defendant, Blanche D. Siddall, theretofore having been let to bail on her deposit of \$5 collateral security for her appearance to answer an information charging her with the sale and offer for sale of milk adulterated with water, and the case having come on for hearing on the appointed day, and the said defendant having failed to appear, the court adjudged her in default and ordered the aforesaid collateral security forfeited.

The facts in the cases were as follows:

During the months of August, September, October, and November, 1908, Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture of the United States, in pursuance of regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, caused to be purchased samples of milk from the following-named persons and firms, all conducting business in Washington, D. C.:

C. L. Bailey, 237 G street NW.; P. B. Holt & Bro., 17 Fourth street NE.; Philip Hettenkemer, 301 Fourth street NE.; Geo. A. Wise, 3310 P street NW.; John Allen, 1744 Eighth street NW.; Frank E. Altemus, Fourteenth and W streets NW.; Albert Schapiro, 529 Virginia avenue SE.; Whitehead & Reed, Twelfth and D streets NW.; William A. Sanger, 458 Louisiana avenue NW.; Soul Berman, 521 Twenty-third street NW.; Charles E. Vernon & Co., 707 H street NE.; Charles Harbin, Ninth and F streets NE.; Frank Mace, 700 F street NE.; Julia Poore; Richardson & Jarboe, 407 Thirteen-and-a-half street NW.; and Blanche Siddall, 611 D street NW. The said several samples were promptly submitted to analyses, and it was found that they were adulterated within the meaning of section 7 of the Food and Drugs Act of June 30, 1906, in that water had been mixed with the milk so as to reduce and lower its quality and strength. Opportunity to be heard was duly accorded the said several persons and firms, under the provisions of section 4 of the said Food and Drugs Act. At the hearing accorded C. L. Bailey, he produced the guaranty of Griffith & Griffith, dealers from whom he purchased the milk, and proceedings were therefore discontinued as to him, but continued against said Griffith & Griffith. No evidence having been produced by the said several persons and firms

to show any fault or error in the results of the aforesaid analyses of the milk, the facts were duly reported to the United States attorney for the District of Columbia, who forthwith filed informations against the said persons and a partner of the said firms, with the results hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., June 28, 1909.

(N. J. 89.)

MISBRANDING OF EVAPORATED APPLES.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act, June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 57 cases of evaporated apples, a proceeding of libel for seizure and condemnation of the said goods, under section 10 of the aforesaid act, lately pending in the district court of the United States for the eastern district of Texas. The apples had been shipped by the Silbernagel Company (Limited), a corporation, of Shreveport, La., from that point to L. Kahn at Marshall, Tex., and were misbranded in this, that the cases were labeled and branded "Choice Evaporated Apples, 48 1-lb. Cartons, Michael Doyle & Co., Rochester, New York, Favorite Brand," whereas, in fact, the net weight of the contents of each carton was less than 1 pound. L. Kahn, the claimant of the goods, having filed his answer admitting the allegations of the libel, and the case having been submitted to the court upon an agreed statement of facts, and coming on for final hearing on February 15, 1909, the court rendered its decree of forfeiture and condemnation in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE EASTERN DISTRICT
OF TEXAS.

UNITED STATES OF AMERICA	}
<i>vs.</i>	
FIFTY-SEVEN CASES EVAPORATED APPLES.	

On this day this case coming on for hearing, and the United States appearing by J. B. Dailey, assistant United States attorney for the eastern district of Texas, and the claimant, L. Kahn, appearing by his attorney, W. T. Armistead, and the said